

III. REMARKS

In the Office Action, objections were made to claims 2-19, 26-28 and 30-32; and also to claims 21-22, 34-36 and 38-40 for reasons set forth in Points 3-4 of the Action. The claims are amended to overcome these objections.

Claims 10-11, 18-19, 21-22, 27, 31, 35 and 39 were said to have allowable subject matter.

Claims 1-40 were rejected on the basis of double patenting, as set forth in Point 7 of the Office Action. With respect to the filing of a terminal disclaimer, Applicant prefers to wait until a final wording of the claims has been established before submitting the terminal disclaimer.

Claims 1, 7-9, 12-13, 20, 23-26, 29-30, 33-34, and 37-38 were rejected under 35 U.S.C. 103 as being unpatentable over Mizikovsky (US 5,559,860) in view of Kang (US 5,058,150) for reasons set forth in the Action. Claims 2 and 6 were rejected under 35 U.S.C. 103 as being unpatentable over Mizikovsky in view of Kang and Jambhekar (US 5,848,356), and claims 3-5, 28, 32, 36 and 40 were rejected under 35 U.S.C. 103 as being unpatentable over Mizikovsky in view of Kang and Bremer (US 6,018,671) for reasons set forth in the Action. Other ones of the claims were also rejected under 35 U.S.C. 103 as being unpatentable over various combinations of the cited art, namely, claim 14 over Mizikovsky in view of Kang and Villa-Real (US 4,481,382), and claims 15-17 over Mizikovsky in view of Kang and Wolff (US 5,327,486) for reasons set forth in the Action.

With respect to the rejections under 35 U.S.C. 103, the examiner notes (top of page 6 of the Action) that Mizikovsky does not explicitly teach that the portable device sends the reply and provides a selected response to the caller exclusively through the action

of the portable terminal, irrespectively of which of said plurality of forms of communication is employed in the selected response. Further, the examiner notes that Mizikovsky does not teach that a selected accessory device is integrated into the mobile device.

The examiner then combines the teachings of Mizikovsky with Kang who integrates a telephone answering circuitry into a radio-telephone. Apparently the examiner regards this matter as being a packaging situation in which one has the option of employing an array of separate devices, as in Mizikovsky, or the option of integrating circuits of plural device in a single package, as in Kang. The examiner notes the integration feature in Point 2 of the Action.

With respect to the rejections under 35 U.S.C. 103, the following argument is presented to distinguish the claimed subject matter from the teachings of the cited art, considered individually and in combination, thereby to overcome the rejections and to show the presence of allowable subject matter in the claims.

With respect to the combination of the teachings of Kang with the teachings of Mizikovsky by the examiner, for the purpose of integrating a selected device (Telephone Answering Device) into the user device (as set forth in Point 2 of the Action), the following is noted. The term "portable" appears six times in present claim 1. However, it is believed that no combination of Kang and Mizikovsky would lead one to produce a portable end product having the features of the presently claimed subject matter. The present claims define a certain portable entity that is capable of responding to incoming calls exclusively through the action of that portable entity irrespectively of which form of communication is selected for the response. Mizikovsky does not disclose such a portable entity, because the auxiliary devices clearly make the overall combination non-portable. However, neither does Kang disclose such a portable entity, because the vehicle radiotelephone of Kang clearly is not portable.

Kang discloses some features that - according to Kang - are only applicable if the communications apparatus is large enough to accommodate expansion cards, i.e. additional circuit boards that could be installed. Mizikovsky discloses a portable phone, which however is too small and too limited in functionality to produce responses of various kinds without resorting to auxiliary devices. The argument of the applicant is that this conflict of technologies makes Kang and Mizikovsky fundamentally incompatible. If neither one of these references teaches a portable multi-response apparatus, there would be no direction to a skilled artisan in this art to produce a portable end product, and one cannot combine their teachings in any technically reasonable way that would produce a portable multi-response apparatus.

In addition to the foregoing observations with respect to portability, the following argument is presented to traverse the position of the examiner raised in Point 11 of the Action. Mizikovsky discloses the directing of an incoming call to a selected accessory device, and teaches that his apparatus always needs an accessory device in order to automatically generate a response.

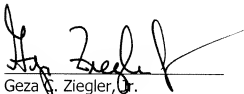
Kang discloses only one response mode, which is the classic telephone answering machine implemented with a voice analyzing/synthesizing circuit. Thus, even in the unlikely situation wherein a person skilled in the art might have considered combining Mizikovsky with Kang, at most the skilled person could have arrived with a terminal apparatus that can send exactly one response exclusively through the action of the apparatus itself (as in Kang), which apparatus would need external accessory devices if it considered any other response modes (as in Mizikovsky). Clearly, this is not the same as the claimed concept of making the portable terminal take care of a plurality of response forms exclusively through the action of the portable terminal itself. The result of this attempted combination of the references so misses the claimed subject matter that there would be no motivation to combine these references to suggest the present invention.

New claims 41-42 are presented for further definition of the invention, these claims depending respectively from the independent claims 1 and 20, and including subject matter from those claims that were said to have allowable subject matter.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment of \$100 for two additional dependent claims for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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Date

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